



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 24 2014

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Frank Wilkerson  
Wilkerson Fuel Company  
P.O. Box 2835  
Rock Hill, South Carolina 29732

**SUBJ: SPCC Inspection Letter of Deficiency**  
**Wilkerson Fuel Company**  
**SPCC Inspection Number: SC1402-001**

Dear Mr. Wilkerson:

On January 6, 2014, a representative of the U.S. Environmental Protection Agency (EPA) inspected your oil storage facility located at 534 Pendleton Street, Rock Hill, SC. The purpose of this inspection was to determine the facility's compliance status with the requirements of the Oil Pollution Prevention Regulations at Title 40 of the Code of Federal Regulations (40 CFR) Part 112, promulgated pursuant to Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j).

The inspection revealed the following deficiencies:

- 1) Failure to prepare a SPCC Plan as required by 40 CFR § 112.3 in accordance with the guidelines for plan preparation at 40 CFR § 112.7 and/or § 112.8:
  - a) Plan did not discuss industry standards used to test or inspect containers for integrity nor discussed the qualifications of personnel performing such tests and inspections as required by 40 CFR § 112.8(c)(6).
- 2) Failure to implement a SPCC Plan as required by 40 CFR § 112.3 in accordance with the guidelines for plan implementation at 40 CFR § 112.7 and/or § 112.8:
  - a) Records of inspections and tests not maintained as required by 40 CFR § 112.7(e) and § 112.8(c)(6);
  - b) Inadequate secondary containment in tank truck loading/unloading rack area as required by 40 CFR § 112.7(h)(1);
  - c) No mechanisms present to prevent vehicles from departing the loading/unloading area prior to complete disconnection as required by 40 CFR § 112.7(h)(2);
  - d) Records of dike drainage events not maintained as required by 40 CFR § 112.8(c)(3)(iv);
  - e) Bulk storage containers not tested or inspected for integrity in accordance with an industry standard as required by 40 CFR § 112.8(c)(6);
  - f) Secondary containment not provided for mobile/portable containers (i.e., 55-gallon drums, totes, skid-tanks, etc) as required by 40 CFR § 112.8(c)(11).

Please correct the deficiencies in accordance with the regulations and submit a notarized copy of the enclosed "Statement of Correction" within sixty (60) days after receipt of this letter to:

Ted Walden  
Superfund Division  
U.S. Environmental Protection Agency  
61 Forsyth St. SW  
Atlanta, GA 30303

In the event that you are unable to submit the "Statement of Correction" within the 60 day period, please notify me in writing or via email. I will advise you of an alternative acceptable date for your SPCC Plan preparation and/or implementation.

Please be advised that notwithstanding the issuance of this letter or the receipt of your "Statement of Correction," pursuant to Section 311 of the Act, 33 U.S.C. §1321, EPA retains the right to bring an enforcement action against your facility based on the deficiencies cited in this letter.

If you have any questions regarding this letter or the enclosure, please contact me at (404) 562-8752 or [walden.ted@epa.gov](mailto:walden.ted@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Ted Walden". The signature is written in a cursive, flowing style.

Ted Walden  
Federal On-Scene Coordinator  
Emergency Response and Removal Branch

Enclosure

(1) Statement of Correction

Case Number: SC1402-001

STATEMENT OF CORRECTION

I hereby certify under penalty of perjury that all deficiencies listed in the Letter of Deficiency dated \_\_\_\_\_ have been corrected and that \_\_\_\_\_ is now in compliance with all requirements of 40 CFR Part 112.

\_\_\_\_\_  
Owner's/Operator's Name

\_\_\_\_\_  
Owner's/Operator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Facility

Sworn to and before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
NOTARY PUBLIC